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EXAMINER

NGUYEN, T

ART UNIT

PAPER NUMBER

2663

DATE MAILED:

10/23/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/660,709

Applicant(s)

Anthony C. Spearman et al

Examiner

Toan Nguyen

Art Unit

2663



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 13, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, and 10-22 is/are rejected.
- 7) ☒ Claim(s) 7, 9, and 23 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Sep 13, 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the drawing should be label Figure 1, Figure 2, and Figure 3, respectively. Correction is required.

### *Claim Rejections - 35 USC § 112*

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 lines 12-15, it is unclear as to what is meant by “channels the inbound packets ... outbound address information”. The scope of the claim is, therefore, unascertainable.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 8-16, 18, and 20-22 are rejected under U.S.C. 102(b) as being anticipated by Carnegie et al (U.S. Patent 5,745,884).

For claims 1-6, 10, 12-16, and 22, Carnegie et al disclose system and method for billing data grade network use on a per connection basis, comprising the steps:

a chassis (see figure 1, col. 7 lines 54-59);

at least one network card (col. 3 lines 18-22); ✓

at least one wireless card (col. 7 lines 10-13); ✓

at least one processor (col. 8 line 20);

an operating system, the operating system operably configured in the chassis to control the at least one network card, the at least one wireless card and the at least one processor (col. 10 lines 30-38);

a packet-switched interface capable of receiving a multiplicity of inbound frame packet-data to provide inbound packets and transmitting a multiplicity of outbound frame packet-data comprising outbound packets (see figure 2, col. 8 line 21 to col. 9 line 48 );

a channeling controller, coupled to the packet-switched interface that channels the inbound packets based on the inbound address information and that constructs the outbound packets and channels the outbound packets with the outbound address information, the channeling controller capable of being effectively connected to at least one network via the operating system (see figure 1A, col. 7 lines 44-47, and col. 10 lines 39-46)

For claim 8, Carnegie et al disclose a second processor (see figure 1A, col. 10 line 45).

For claim 9, Carnegie et al disclose a memory device and a storage device (col. 11 line

55).

For claim 11, Carnegie et al disclose a directory services member operatively connected to the operating system thereof, which is suitable for maintaining a database directory that stores MAC addresses and billing profiles for those in the system (see figure 3, col. 12 lines 4-23).

For claim 18, Carnegie et al disclose firewall service (col. 8 lines 19-20).

For claims 20 and 21, Carnegie et al disclose one antenna (see figure 1, col. 7 line 18, and col. 7 line 35).

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carnegie et al (U.S. Patent 5,745,884) in view of Clark (U.S. Patent 5,960,074).

For claim 17, Carnegie et al do not disclose proxy service. Clark from the same or similar field of endeavor teach proxy service (col. 5 lines 9-10). Thus it would have been obvious to the

person of ordinary skill in the art at the time of the invention to use the combined mobile tele-computer network for motion picture, television and TV advertising production as taught by Clark in system and method for billing data grade network use on a per connection basis of Carnegie et al. The motivation for using the combined mobile tele-computer network for motion picture, television and TV advertising production as taught by Clark in system and method for billing data grade network use on a per connection basis of Carnegie et al being that the server in each hub station is used to coordinate communication with a microwave antenna of a relay station (col. 5 lines 10-13).

### **Objection To Claims, Allowable Subject Matter**

7. Claims 7, 19, and 23 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,745,884 to Carnegie et al, discloses System And Method For Billing Data Grade Network Use On A Per Connection Basis.

U.S. Patent 5,960,074 to Clark, discloses Mobile Tele-Computer Network For Motion

Picture, Television And TV Advertising Production.

U.S. Patent 5,572,528 to Shuen, discloses Mobile Networking Method and Apparatus.

*Contact Information*

9. Any response to this action should be mailed to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231
10. Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).
11. Any inquiry concerning this communication or early communications should be directed to  
Toan Nguyen whose telephone number is (703) 305-0140. He can be reached Monday through  
Friday from 7:00am to 4:30pm.

If attempts to teach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chau Nguyen, can be reached at (703) 308-5340. The fax phone number for this Group is (703)-872-9314.

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone number is (703) 305-9600.

TN

T.N.



DANG TON  
PRIMARY EXAMINER